

Exhibit 1

Martin Tripp Deposition

Excerpts

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

**REPORTER'S CERTIFIED
TRANSCRIPT**

TESLA, INC., a Delaware)
corporation,)
Plaintiff,) Case No.:
v.) 3:18-cv-00296 LRH-CBC
MARTIN TRIPP,)
Defendant,)
AND RELATED COUNTER-CLAIMS.)

CONFIDENTIAL

CONFIDENTIAL

VIDEOTAPE DEPOSITION OF MARTIN TRIPP

PHOENIX, ARIZONA
WEDNESDAY, SEPTEMBER 4, 2019
9:01 A.M.

DAVID M. LEE, RMR, CCR
Certified Reporter
Certificate Number 50391
File No.: 19-29468



09:51 1 Q. How should you be viewed then?

09:51 2 A. Preferably not viewed at all.

09:51 3 Q. All right. You wanted to remain anonymous.

09:51 4 A. That is correct.

09:51 5 Q. You wanted to continue with your job at

09:51 6 Tesla while continuing to provide information to

09:51 7 reporters.

09:51 8 A. Only if it was necessary.

09:51 9 Q. And you were going to do that for as long

09:51 10 as you thought it was necessary.

09:51 11 A. Yes.

09:51 12 Q. As determined by you.

09:51 13 A. Yes.

09:51 14 Q. So you thought by changing -- by -- excuse

09:51 15 me. Let me start that again.

09:51 16 You thought by sharing information with

09:51 17 Linette Lopez, you would change the -- what was

09:52 18 being done at the Tesla Gigafactory; right?

09:52 19 A. That was my hope.

09:52 20 Q. And you were going to continue to provide

09:52 21 information from Tesla to Linette Lopez as long as

09:52 22 it was -- you thought there were things that needed

09:52 23 to be changed at Tesla's Gigafactory.

09:52 24 A. If it involved public safety, yes.

09:52 25 Q. So a lot of the information that you

09:52 1 disclosed had to do with the amount of dollar value
09:52 2 of scrap. Do you remember that?
09:52 3 A. Yes.
09:52 4 Q. How is that an issue of public safety?
09:52 5 A. I can't say that it is.
09:52 6 Q. Then why were you disclosing it to Linette
09:52 7 Lopez?
09:52 8 A. Because there was a concern internally
09:52 9 amongst many employees.
09:52 10 Q. Okay. So there was a concern internally
09:52 11 amongst employees, and you didn't see it was
09:52 12 changing to your liking; right?
09:52 13 MR. FISCHBACH: Object to the form of the
09:53 14 question.
09:53 15 THE WITNESS: It was not changing to the
09:53 16 liking of anyone.
09:53 17 Q. BY MR. GATES: You didn't think that Tesla
09:53 18 was changing sufficiently in response to the
09:53 19 concerns about the level of scrap.
09:53 20 A. That is correct.
09:53 21 Q. And so because of that, you decided to
09:53 22 provide Tesla confidential information to Linette
09:53 23 Lopez.
09:53 24 A. Yes.
09:53 25 Q. But that's not an issue of public safety.

09:53 1 A. Not to my knowledge.

09:53 2 Q. You also disclosed to her information about

09:53 3 the number of Model 3s that were being produced.

09:53 4 Do you remember that?

09:53 5 A. Yes.

09:53 6 Q. Was that an issue of public safety?

09:53 7 A. I can't say that it is.

09:53 8 Q. Why did you disclose it to Linette Lopez?

09:53 9 A. Because Elon Musk was lying to investors and

09:54 10 the public about the amount of cars being produced

09:54 11 per day, and I was showing proof of that.

09:54 12 Q. Okay. Let's suppose that you thought the

09:54 13 numbers that you were being put to the public were

09:54 14 incorrect. Why go to a reporter with Tesla

09:54 15 confidential information? What's the importance of

09:54 16 that?

09:54 17 A. I believed it was wrong. I, myself, was an

09:54 18 investor with restricted stock units, and I believe

09:54 19 that it was wrong for him to say one thing, and we

09:54 20 were actually doing another.

09:54 21 Q. So because you thought it was wrong, it was

09:54 22 okay to steal Tesla confidential information and

09:54 23 provide it to a reporter.

09:54 24 A. Correct.

09:54 25 Q. Did you raise the issue of the number of

10:08 1 MR. FISCHBACH: Object to the form of the
10:08 2 question.

10:08 3 THE WITNESS: Answer?

10:08 4 MR. FISCHBACH: Go ahead and answer, yeah.

10:08 5 THE WITNESS: I didn't know about her. I
10:08 6 possibly have read some articles by her, but I --
10:08 7 the name was not familiar.

10:08 8 Q. BY MR. GATES: Okay. You learned at some
10:08 9 point that she had a grudge against Elon Musk;
10:08 10 right?

10:08 11 MR. FISCHBACH: Object to the form of the
10:08 12 question.

10:08 13 Answer if you can.

10:08 14 THE WITNESS: I don't know if it was a
10:08 15 grudge; she definitely contested things that he
10:08 16 said and did.

10:08 17 Q. BY MR. GATES: Well, you described it as a
10:08 18 grudge; right?

10:08 19 A. At some point I probably did.

10:08 20 Q. You described it as also "She definitely
10:08 21 had it out for Elon."

10:08 22 A. I would definitely agree with that.

10:09 23 Q. Okay. So you're not sure whether you knew
10:09 24 that at the point when you got this response from
10:09 25 Linette Lopez on May 27th?

10:28 1 say:

10:28 2 "Pics [coming in on]" -- "incoming in

10:28 3 another thread."

10:28 4 Do you see that?

10:28 5 A. Yes.

10:25 6 (Deposition Exhibit Number 5 was marked

10:28 7 for identification.)

10:28 8 Q. BY MR. GATES: Okay. So I'm going to give

10:28 9 to you what has been marked as Exhibit 5, and this

10:28 10 is just the cover e-mail without attachments. You

10:28 11 see that? That's an e-mail that you sent to

10:28 12 Linette Lopez on May 27th at -- 2018 at 12:39 p.m.

10:29 13 Do you see that?

10:29 14 A. Yes.

10:29 15 Q. And attached to this e-mail were there

10:29 16 pictures that you had sent to her?

10:29 17 A. It shows there are attachments, yes.

10:29 18 Q. And is this the thread, the thread that you

10:29 19 were talking about in Exhibit 4, the other e-mail?

10:29 20 A. I would believe so.

10:29 21 Q. So these pictures that you sent to her, were

10:29 22 those pictures that you took?

10:29 23 A. Yes.

10:29 24 Q. On your phone?

10:29 25 A. Yes.

10:29	1	Q. In the Tesla Gigafactory.
10:29	2	A. Yes.
10:29	3	Q. Were you authorized to take those pictures?
10:29	4	A. Yes, I was.
10:29	5	Q. By whom?
10:29	6	A. By Michael Bowling.
10:29	7	Q. And were you authorized to take those
10:29	8	pictures for purposes of your job?
10:29	9	A. Yes, I was.
10:29	10	Q. Were you authorized to share those with
10:30	11	Linette Lopez?
10:30	12	A. No, I was not.
10:30	13	Q. And you knew that; right?
10:30	14	A. Yes.
10:30	15	[REDACTED]
10:30	16	[REDACTED]
10:30	17	[REDACTED]
10:30	18	[REDACTED]
10:30	19	[REDACTED]
10:30	20	[REDACTED]
10:30	21	[REDACTED]
10:30	22	[REDACTED] [REDACTED]
10:30	23	[REDACTED]
10:30	24	[REDACTED]
10:30	25	[REDACTED]

10:43	1	[REDACTED]	[REDACTED]	[REDACTED]
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10:43	9	[REDACTED]		
10:43	10	[REDACTED]	[REDACTED]	[REDACTED]
10:43	11	[REDACTED]	[REDACTED]	[REDACTED]
10:43	12	[REDACTED]	[REDACTED]	[REDACTED]
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10:44	16	[REDACTED]		
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10:44	19	[REDACTED]		
10:44	20	[REDACTED]	[REDACTED]	
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10:44	22	[REDACTED]		
10:44	23	[REDACTED]	[REDACTED]	
10:44	24	[REDACTED]	[REDACTED]	[REDACTED]
10:44	25	[REDACTED]	[REDACTED]	

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10:44	4	[REDACTED]	[REDACTED]
10:44	5	[REDACTED]	[REDACTED]
10:44	6	[REDACTED]	[REDACTED]
10:44	7	[REDACTED]	[REDACTED]
10:44	8	[REDACTED]	[REDACTED]
10:44	9	[REDACTED]	[REDACTED]
10:44	10	[REDACTED]	[REDACTED]
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10:44	12	[REDACTED]	[REDACTED]
10:44	13	[REDACTED]	[REDACTED]
10:44	14	[REDACTED]	[REDACTED]
10:45	15	[REDACTED]	[REDACTED]
10:45	16	[REDACTED]	[REDACTED]
10:45	17	[REDACTED]	[REDACTED]
10:45	18	[REDACTED]	[REDACTED]
10:45	19	[REDACTED]	[REDACTED]
10:45	20	[REDACTED]	[REDACTED]
10:45	21	[REDACTED]	[REDACTED]
10:45	22	[REDACTED]	[REDACTED]
10:45	23	[REDACTED]	[REDACTED]
10:45	24	[REDACTED]	[REDACTED]
10:45	25	[REDACTED]	[REDACTED]

10:45	1	[REDACTED]
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10:45	12	[REDACTED]
10:45	13	[REDACTED]
10:45	14	[REDACTED]
10:45	15	[REDACTED]
10:45	16	[REDACTED]
10:46	17	[REDACTED]
10:46	18	[REDACTED]
10:46	19	[REDACTED]
10:46	20	[REDACTED]
10:46	21	[REDACTED]
10:46	22	[REDACTED]
10:46	23	[REDACTED]
10:46	24	[REDACTED]
10:46	25	[REDACTED]

10:46	1	[REDACTED]	[REDACTED]
10:46	2	[REDACTED]	[REDACTED]
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10:46	7	[REDACTED]	[REDACTED]
10:46	8	[REDACTED]	[REDACTED]
10:46	9	[REDACTED]	[REDACTED]
10:46	10	[REDACTED]	
10:46	11	[REDACTED]	[REDACTED]
10:46	12	[REDACTED]	[REDACTED]
10:46	13	[REDACTED]	[REDACTED]
10:47	14	[REDACTED]	[REDACTED]
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10:47	16	[REDACTED]	[REDACTED]
10:47	17	[REDACTED]	[REDACTED]
10:47	18	[REDACTED]	[REDACTED]
10:47	19	[REDACTED]	[REDACTED]
10:47	20	[REDACTED]	[REDACTED]
10:47	21	[REDACTED]	[REDACTED]
10:47	22	[REDACTED]	[REDACTED]
10:47	23	[REDACTED]	[REDACTED]
10:47	24	[REDACTED]	[REDACTED]
10:47	25	[REDACTED]	[REDACTED]

10:47 1 Q. Did you tell them why you were asking them
10:47 2 for that information?
10:47 3 A. I can't remember.
10:47 4 Q. Did you say "Hey, I want this information
10:47 5 so I can calculate the total scrap value, so I can
10:47 6 send that to a reporter"?
10:47 7 MR. FISCHBACH: Objection; asked and
10:47 8 answered.
10:47 9 Q. BY MR. GATES: Did you say something like
10:47 10 that?
10:47 11 A. No.
10:48 12 Q. You didn't tell anybody that you were
10:48 13 sending information off to a reporter, did you?
10:48 14 A. I can't remember if I did tell anybody or
10:48 15 not.
10:48 16 Q. You don't remember. Okay.
10:48 17 (Deposition Exhibit Number 10 was marked
10:48 18 for identification.)
10:48 19 Q. BY MR. GATES: Let's look at Exhibit 10.
10:48 20 So Exhibit 10 is a chart which has in
10:48 21 it data from Tesla. Can you tell us what this data
10:48 22 is?
10:48 23 A. I bel- -- I believe -- I -- I can't tell you
10:48 24 what it is. I can only tell you what I believe it
10:48 25 is.

11:00 1 the e-mail? Like on page 3, for instance.

11:00 2 A. But it doesn't show me that it's actually

11:00 3 part of the e-mail.

11:00 4 (Deposition Exhibit Number 17 was marked

11:00 5 for identification.)

11:00 6 Q. BY MR. GATES: Oh, okay. Let's see. Let

11:00 7 me give you what's been marked as Exhibit 17.

11:00 8 So Exhibit 17 is a photograph recovered

11:00 9 from your computers or servers that you've used, and

11:01 10 this is a photograph of your work laptop. Is that

11:01 11 right?

11:01 12 A. It is possible.

11:01 13 Q. "Possible." You don't recognize it?

11:01 14 A. The computer?

11:01 15 Q. No, the screenshot.

11:01 16 A. Yes, I do recognize that screenshot.

11:01 17 Q. Okay. And so that is a photograph that you

11:01 18 took of a screenshot from a computer hooked up to

11:01 19 Tesla's systems; correct?

11:01 20 A. Correct.

11:01 21 Q. And you sent that photograph to Linette

11:01 22 Lopez.

11:01 23 A. Yes.

11:01 24 Q. Okay. You sent it to her via this e-mail

11:01 25 on May 29th, 2018, at 12:43 p.m.

11:13 1 Linette Lopez on June 1st at 7:10 p.m.; right?

11:13 2 A. Correct.

11:13 3 Q. And you were attaching to that -- first off,

11:13 4 you embedded an image in the e-mail which was, it

11:13 5 looks like --

11:13 6 Well, you tell me. What -- what is the

11:13 7 image that you embedded in the e-mail, if you can

11:13 8 [REDACTED]

11:13 9 [REDACTED]

11:13 10 [REDACTED]

11:13 11 [REDACTED]

11:13 12 [REDACTED]

11:13 13 [REDACTED]

11:13 14 [REDACTED]

11:13 15 [REDACTED] [REDACTED]

11:13 16 [REDACTED] [REDACTED]

11:14 17 [REDACTED]

11:14 18 [REDACTED]

11:14 19 [REDACTED]

11:14 20 [REDACTED] [REDACTED]

11:14 21 [REDACTED]

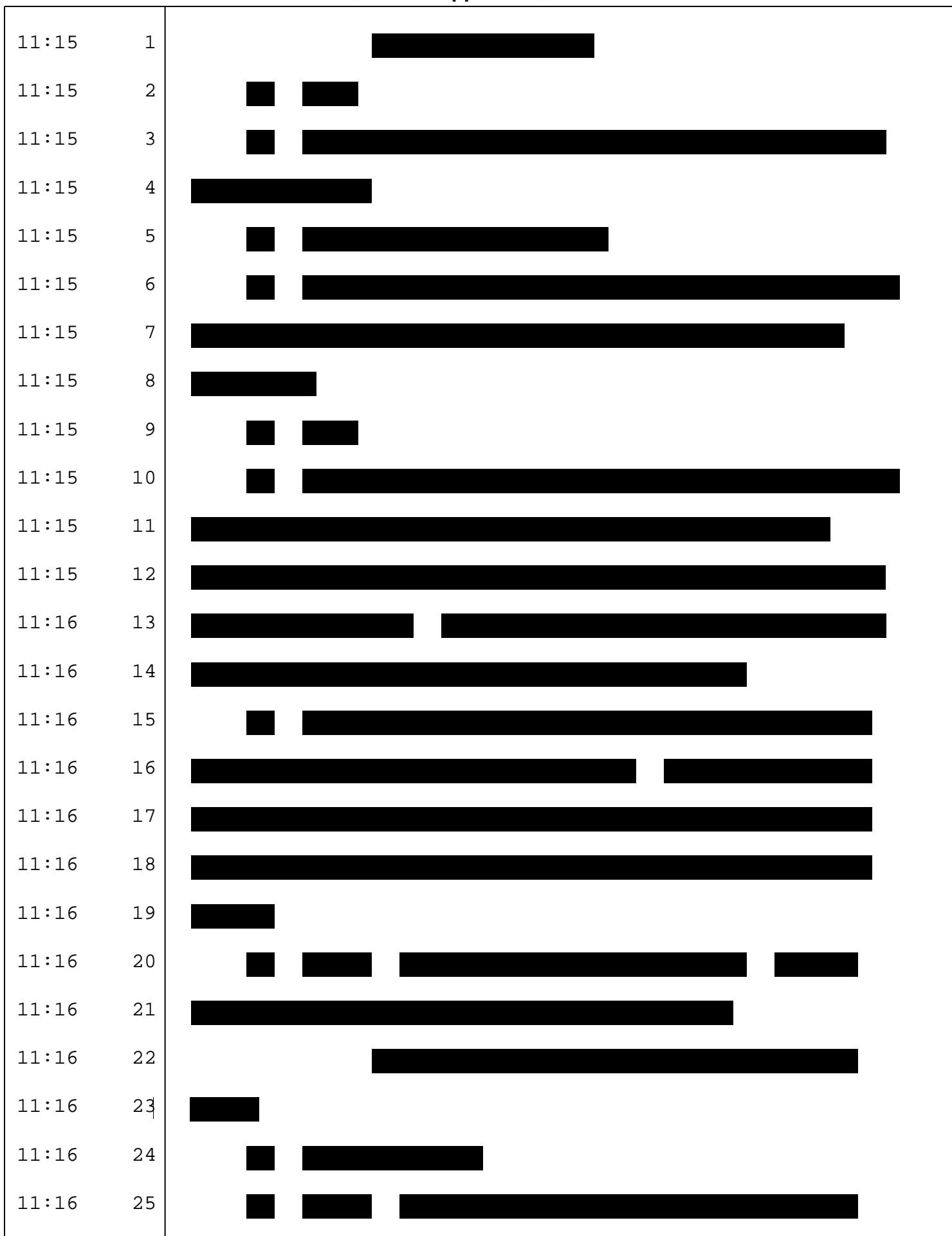
11:14 22 [REDACTED]

11:14 23 [REDACTED] [REDACTED]

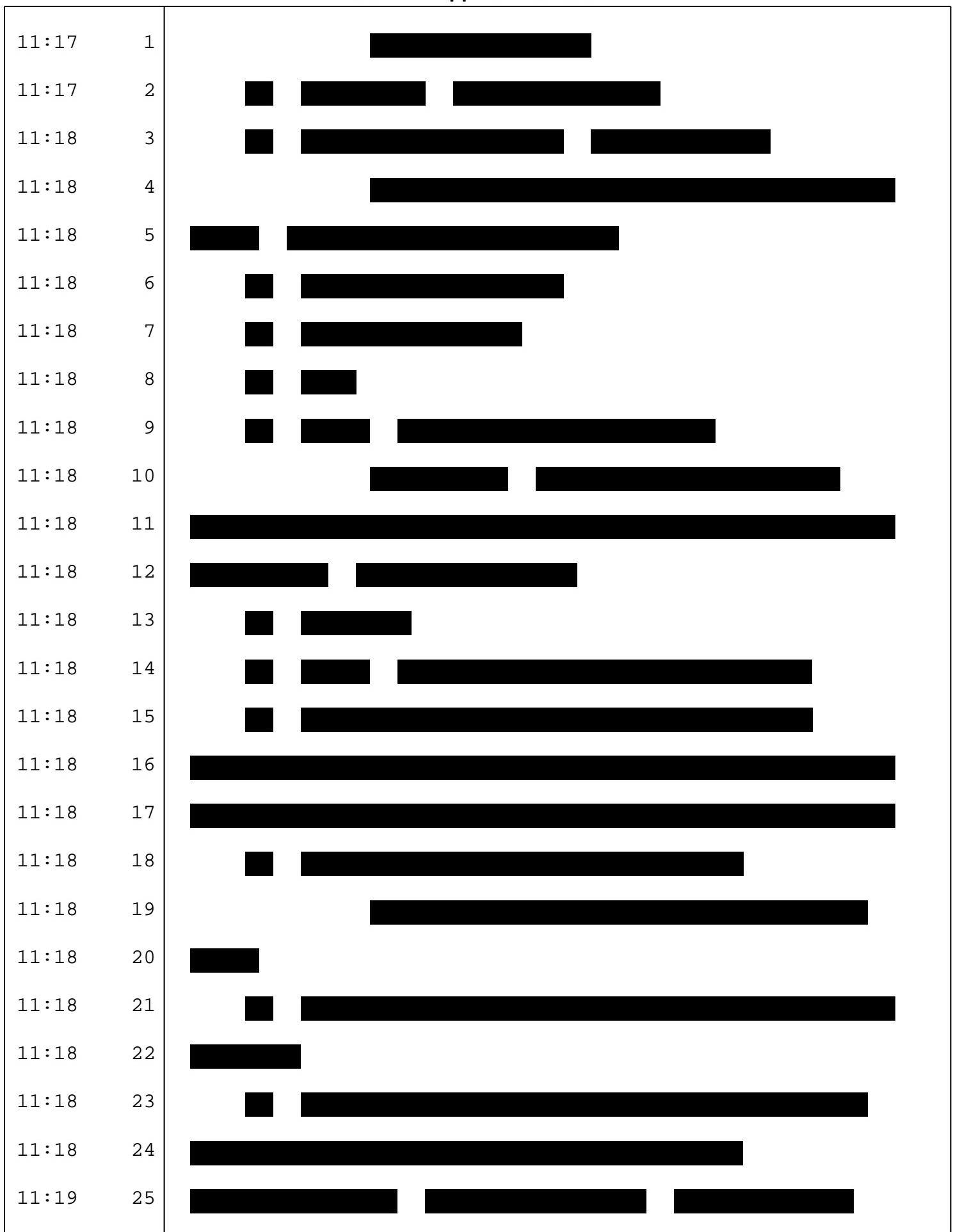
11:14 24 [REDACTED]

11:14 25 [REDACTED]

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11:20	11	[REDACTED]	[REDACTED]
11:20	12	[REDACTED]	[REDACTED]
11:20	13	[REDACTED]	[REDACTED]
11:20	14	[REDACTED]	[REDACTED]
11:20	15	[REDACTED]	[REDACTED]
11:20	16	[REDACTED]	[REDACTED]
11:20	17	[REDACTED]	[REDACTED]
11:20	18	[REDACTED]	[REDACTED]
11:20	19	[REDACTED]	[REDACTED]
11:20	20	[REDACTED]	[REDACTED]
11:20	21	[REDACTED]	[REDACTED]
11:20	22	[REDACTED]	[REDACTED]
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11:21	24	[REDACTED]	[REDACTED]
11:21	25	[REDACTED]	[REDACTED]

11:21	1	[REDACTED]
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11:21	7	[REDACTED]
11:21	8	[REDACTED]
11:21	9	[REDACTED]
11:21	10	[REDACTED]
11:21	11	[REDACTED]
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11:21	17	[REDACTED]
11:21	18	[REDACTED]
11:22	19	[REDACTED]
11:22	20	[REDACTED]
11:22	21	[REDACTED]
11:22	22	[REDACTED]
11:22	23	[REDACTED]
11:22	24	[REDACTED]
11:22	25	[REDACTED]

11:22 1 [REDACTED]

11:22 2 [REDACTED] [REDACTED]

11:22 3 Q. Did you have any concern that Ms. Lopez

11:22 4 might somehow do something more than just write an

11:22 5 article with all the information that you were

11:22 6 giving to her?

11:22 7 MR. FISCHBACH: Object to the form of the

11:22 8 question.

11:22 9 Answer if you can.

11:22 10 THE WITNESS: I never had any concern like

11:22 11 that.

11:22 12 Q. BY MR. GATES: Okay. You trusted her.

11:22 13 A. Yes.

11:22 14 Q. You hadn't met her before; right?

11:22 15 A. No.

11:22 16 Q. In fact, you provided her Tesla data without

11:22 17 even having talked to her on the phone.

11:22 18 A. I believe I'd spoken to her on the phone.

11:22 19 Q. Okay. So now one phone call, and you think

11:23 20 that she's trustworthy.

11:23 21 A. I'm a trusting guy.

11:23 22 Q. Okay.

11:23 23 MR. FISCHBACH: Do you want to take a

11:23 24 break?

11:23 25 MR. GATES: Sure.

12:01 1 Q. So what was the attachment that you sent to
12:01 2 her?

12:01 3 A. I can't say with a hundred percent
12:01 4 certainty what it was. I can't remember.

12:01 5 Q. Did you send her data about Model 3s?

12:01 6 A. I would assume, but I can't make an
12:01 7 absolute.

12:01 8 Q. Do you remember sending her data about the
12:02 9 number of Model 3s that were produced in 2018?

12:02 10 A. I do.

12:02 11 Q. Was that data that you got from Tesla?

12:02 12 A. Yes.

12:02 13 Q. And that was data that you were not
12:02 14 authorized to share with her.

12:02 15 A. That is correct.

12:02 16 (Deposition Exhibit Number 26 was marked
12:02 17 for identification.)

12:02 18 Q. BY MR. GATES: All right. This is Exhibit
12:02 19 26.

12:02 20 A. Thank you.

12:02 21 Q. All right. So Exhibit 26 is an e-mail that
12:02 22 you sent to Linda Lorel, otherwise known as Linette
12:02 23 Lopez, on June 5th, 2018, at 12:43 p.m. The
12:02 24 "Subject" is: "Valeo robot being removed and pic
12:02 25 of the query for all Model 3s."

12:02	1	Do you see that?
12:02	2	A. Yes.
12:02	3	Q. Okay. And -- and there's a bunch of
12:02	4	attachments, images that are attached to this. Do
12:02	5	you remember what you sent to her?
12:02	6	A. I remember the picture of the Valeo --
12:03	7	Valeo robot, but none of the others:
12:03	8	Q. Okay. So what was the Valeo robot?
12:03	9	A. If I remember correctly, it was a robot
12:03	10	that was physically -- Elon Musk physically told
12:03	11	everybody to turn off and not use, but everyone was
12:03	12	concerned that it was still needed and necessary.
12:03	13	Q. So that's the picture that you took?
12:03	14	A. Yes.
12:03	15	Q. And that was from inside the Gigafactory.
12:03	16	A. Yes.
12:03	17	Q. Were you authorized to share that picture
12:03	18	with anybody outside of Tesla?
12:03	19	A. No, I was not.
12:03	20	Q. Okay.
12:03	21	Why did she want a picture of this
12:03	22	robot?
12:03	23	A. It went along the same line as the genealogy
12:03	24	be turned -- being turned off. She wanted to see
12:03	25	the robot.

12:05 1 Q. Why does she want you to comment on the
12:05 2 Tesla shareholder meeting?
12:05 3 A. Well, they're discussing the amount of scrap,
12:05 4 or the scrap where it's being housed and things
12:05 5 like that, so she was interested in knowing more
12:05 6 information about that.
12:05 7 Q. So this isn't something that you had
12:05 8 volunteered to give her, she was asking you for
12:05 9 information.
12:05 10 A. Correct.
12:05 11 Q. And you...
12:05 12 Did you answer this?
12:05 13 A. (No response.)
12:05 14 Q. Did you talk to her on the phone or
12:05 15 something, or by e-mail or text?
12:05 16 A. I don't remember.
12:06 17 Q. Okay.
12:06 18 (Deposition Exhibit Number 28 was marked
12:06 19 for identification.)
12:06 20 Q. BY MR. GATES: Exhibit 28.
12:06 21 So Exhibit 28 is an e-mail that you
12:06 22 sent to Linette Lopez on June 5th at 6:58 p.m.,
12:06 23 also entitled: "Tesla shareholder meeting 5/6
12:06 24 NOTES," and you apparently attached a
12:06 25 video. Do you see that?

12:06	1	A. Yes.
12:06	2	Q. Do you remember what this video was of?
12:06	3	A. Without any other information, I can't tell
12:06	4	you.
12:06	5	Q. Would it have been video that you took
12:06	6	inside the factory?
12:06	7	A. It's quite possible.
12:06	8	Q. You did share with her videos that you took
12:06	9	from inside the factory; correct?
12:06	10	A. Yes, I did.
12:06	11	Q. And those were videos that you were not
12:06	12	authorized to share outside of Tesla; right?
12:06	13	A. That is correct.
12:06	14	Q. In fact, you had no reason to take those
12:06	15	videos as part of your job; right?
12:06	16	A. Some videos I took were required as part of
12:06	17	my job.
12:06	18	Q. And others were not.
12:06	19	A. Correct.
12:06	20	Q. Others that you shared with Linette Lopez
12:07	21	were not required for your job.
12:07	22	A. That is correct.
12:07	23	MR. MITCHELL: Sean, would you let us know
12:07	24	when we come to a good break for our lunch?
12:07	25	MR. GATES: Oh, okay. I see.

12:07 1 Do you want to just go to like 12:30;

12:07 2 is that all right?

12:07 3 MR. MITCHELL: If that's what you want,

12:07 4 that's fine.

12:07 5 MR. GATES: Okay. That will be about an

12:07 6 hour, so that works.

12:07 7 Okay. It's not getting cold, is it?

12:07 8 MR. FISCHBACH: What's that?

12:07 9 MR. GATES: It's not getting cold, is it?

12:07 10 MR. FISCHBACH: I don't think so; I think

12:07 11 they're sandwiches.

12:07 12 MR. GATES: Okay. We'll go to 12:30.

12:07 13 (Deposition Exhibit Number 29 was marked

12:07 14 for identification.)

12:07 15 Q. BY MR. GATES: Okay. Let me give you

12:07 16 what's been marked as Exhibit 29.

12:07 17 So Exhibit 29 is an e-mail from Linette

12:07 18 Lopez to you on Wednesday, June 6th, 2018, at 12:36

12:07 19 p.m., and she forwards to you a -- or sends you a

12:08 20 link to an article. This is a link to her second

12:08 21 article that came out on June 6th using information

12:08 22 that you had provided to her; right?

12:08 23 A. That is correct.

12:08 24 Q. And were you at work when you received this

12:08 25 e-mail?

12:19	1	A. True.
12:19	2	Q. Does that remind you that you continued to
12:19	3	provide her confidential Tesla information after
12:19	4	June 7th?
12:19	5	A. Yes, on June 7th. This is on June 7th.
12:19	6	(Deposition Exhibit Number 34 was marked
12:19	7	for identification.)
12:19	8	Q. BY MR. GATES: Okay. Let's go to Exhibit
12:19	9	34.
12:20	10	Oh, probably. I'm sorry.
12:20	11	All right. So Exhibit 34 is an e-mail
12:20	12	that you sent to Ms. Lopez on June 9th, 2018, at
12:20	13	9:37 a.m.; true?
12:20	14	A. Yes.
12:20	15	Q. And in there you sent her a link to a
12:20	16	Google Drive; right?
12:20	17	A. Yes.
12:20	18	Q. And a Google Drive is a cloud-based service
12:20	19	where you can share files with other people; right?
12:20	20	A. That is correct.
12:20	21	Q. And in it you uploaded a bunch of
12:20	22	information from Tesla to provide to Ms. Lopez;
12:20	23	true?
12:20	24	A. At some point, yes.
12:20	25	Q. In this particular one you uploaded a bunch

12:20 1 of photographs that you had taken at the Gigafactory;

12:20 2 right?

12:21 3 A. Possibly.

12:21 4 Q. Okay. So in these e-mails you talk about

12:21 5 the fact that you went out and snooped around some

12:21 6 trailers on the Tesla Gigafactory site; right?

12:21 7 A. Yes.

12:21 8 Q. And you took pictures of the trailers, and

12:21 9 you opened the trailers, and you took pictures of

12:21 10 what was inside of them; right?

12:21 11 A. Correct.

12:21 12 Q. That wasn't part of your job

12:21 13 responsibilities; true?

12:21 14 A. True.

12:21 15 Q. And you were doing this in order to provide

12:21 16 information to Linette Lopez about scrap at Tesla;

12:21 17 correct?

12:21 18 A. That is correct.

12:21 19 Q. And you were hoping that she would publish

12:21 20 another article about what was going on at Tesla's

12:21 21 Gigafactory; right?

12:21 22 MR. FISCHBACH: Object to the form of the

12:21 23 question.

12:21 24 Answer if you can.

12:21 25 THE WITNESS: I can't say that.

12:21	1	Q. BY MR. GATES: Well, why were you providing
12:21	2	her all these -- all this information and all these
12:21	3	photographs?
12:21	4	A. Because she was listening.
12:21	5	Q. "Because she was listening."
12:22	6	Okay. What was significant about the
12:22	7	fact that she was listening?
12:22	8	A. When no one else at Tesla would listen.
12:22	9	Q. Okay. So you just kept providing to her
12:22	10	Tesla confidential information because she was
12:22	11	listening to you.
12:22	12	A. Yes.
12:22	13	Q. Did you talk to anybody at the Gigafactory?
12:22	14	Did you send any e-mails saying "Hey, what about
12:22	15	all these battery cells that are out in these
12:22	16	trailers out there? I'm worried about those."
12:22	17	Anything like that?
12:22	18	A. Yes.
12:22	19	Q. Who did you talk to?
12:22	20	A. I talked to John Sheridan. I talked to my
12:22	21	counterpart Mark Newsom -- excuse me -- Mark
12:22	22	Neumeister, and numerous other process engineering
12:22	23	technicians in the Module line, as well as process
12:22	24	engineering technicians in the Stator line.
12:22	25	Q. Did you send anybody an e-mail?

12:22	1	A. No.
12:22	2	Q. Text?
12:22	3	A. No.
12:22	4	Q. Leave a voicemail?
12:22	5	A. No.
12:22	6	Q. And you were concerned that the batteries,
12:23	7	the scrap batteries that were in these trailers,
12:23	8	were stacked too high; right?
12:23	9	A. No, I was concerned that they were going to
12:23	10	ignite because of the excessive heat being locked
12:23	11	in these trailers.
12:23	12	Q. Okay. So are you a battery engineer?
12:23	13	A. No.
12:23	14	Q. Did you call up your ex-wife and ask her
12:23	15	whether these batteries would explode if they were
12:23	16	in this heat?
12:23	17	A. No.
12:23	18	Q. Did you text her?
12:23	19	A. No.
12:23	20	Q. Did you ever text your ex-wife about the
12:23	21	batteries at the Tesla Gigafactory?
12:23	22	A. No.
12:23	23	Q. Why did you tell the investigators that?
12:23	24	A. Because they were intimidating me.
12:23	25	Q. Oh, okay. So you lied about that.

13:32 1 THE WITNESS: She knew of the concerns that
13:32 2 I had about Tesla. She had fears about what they
13:32 3 would do to me, retaliation or whatnot, and she was
13:32 4 relieved and -- and was receptive to moving to
13:32 5 Hungary.

13:32 6 Q. BY MR. GATES: Okay. You had planned to
13:32 7 move to Hungary at some point in the future with
13:32 8 your wife; right?

13:32 9 A. Yes.

13:32 10 Q. And in fact, you had planned to retire from
13:32 11 Tesla in under two years; right?

13:32 12 A. We had planned to possibly make a move; we
13:32 13 didn't know what the future held though.

13:33 14 Q. Did you tell people that you were going to
13:33 15 retire in two years?

13:33 16 A. I told them I was going to retire soon; I
13:33 17 did not give them a time frame.

13:33 18 (Deposition Exhibit Number 40 was marked
13:33 19 for identification.)

13:33 20 Q. BY MR. GATES: Okay. Let me give you what's
13:33 21 been marked as Exhibit 40.

13:33 22 So Exhibit 40 is a spreadsheet you
13:33 23 created that is a countdown to your retirement,
13:33 24 isn't it?

13:33 25 A. That is a countdown to when we would be

13:34 1 to her family, take some time off, and then look
13:34 2 for employment there.

13:34 3 Q. Didn't you tell other people that -- at
13:35 4 Tesla that you were going to retire?

13:35 5 A. I don't know if I ever used that word.

13:35 6 Q. Did you tell anybody else that you were
13:35 7 going to retire in a couple years and move to
13:35 8 Hungary?

13:35 9 A. I don't know if I did or not.

13:35 10 (Deposition Exhibit Number 41 was marked
13:35 11 for identification.)

13:35 12 Q. BY MR. GATES: Let me give you what's been
13:35 13 marked as Exhibit 41.

13:35 14 Exhibit 41 is a booking for you, your
13:35 15 wife, and your son to fly to Hungary; correct?

13:35 16 A. That is correct.

13:35 17 Q. And you booked this on June 18th, 2016.

13:36 18 A. No.

13:36 19 Q. No, I'm sorry. You booked it the 16th of
13:36 20 June, 2018.

13:36 21 A. Yes.

13:36 22 Q. And so this was after your two interviews
13:36 23 with Tesla security; you decided to leave to go to
13:36 24 Hungary at that point.

13:36 25 A. It was after the -- it was just before the

13:36 1 second interview actually --

13:36 2 Q. That's when you booked it?

13:36 3 A. -- so...

13:36 4 Yes.

13:36 5 (Deposition Exhibit Number 38 was marked
13:36 6 for identification.)

13:36 7 Q. BY MR. GATES: Okay. So let me give you
13:36 8 what's been marked as Exhibit 38.

13:36 9 So Exhibit 38 is an e-mail from you to
13:36 10 Linette Lopez on June 15th at 10:59 a.m.; correct?

13:37 11 A. That is correct.

13:37 12 Q. And you tell her that she can freely use
13:37 13 your name as a source after the 29th, and by that
13:37 14 you meant the 29th of June; correct?

13:37 15 A. I don't remember what it states.

13:37 16 Q. Okay. The e-mail says: "Also, you can
13:37 17 freely use my name as source after the
13:37 18 29th."

13:37 19 Do you see that?

13:37 20 A. Right. I see that.

13:37 21 Q. You sent that to Linette Lopez on June
13:37 22 15th, 2018; correct?

13:37 23 A. That is correct.

13:37 24 Q. So you were telling her that she could use
13:37 25 your name as a source of the information that you

14:07 1 evening; right?

14:07 2 A. I believe it was after 5:30. It was

14:08 3 evening.

14:08 4 Q. It was still light though; right?

14:08 5 A. Yes.

14:08 6 Q. Okay.

14:08 7 So after your interview with the

14:08 8 Sheriff's deputies, did you have communications

14:08 9 with reporters?

14:08 10 A. I did.

14:08 11 Q. And why?

14:08 12 A. Because they knew that there was this

14:08 13 fabrication, and I'd been speaking with them about

14:08 14 it, and so I called them back to tell them what had

14:08 15 happened after the interview with the Sheriff.

14:08 16 Q. So did you speak with reporters prior to --

14:08 17 on the 20th, prior to the interview with the

14:08 18 Sheriff's deputies?

14:08 19 A. Yes.

14:08 20 Q. And you told them that you believed the

14:08 21 threat to the Gigafactory was a fabrication.

14:09 22 A. Yes.

14:09 23 Q. And then after your interview with the

14:09 24 Sheriff's deputies you -- you also spoke with

14:09 25 reporters.

14:09	1	A. That is correct.
14:09	2	Q. Was that by phone?
14:09	3	A. Yes.
14:09	4	Q. Beforehand was by phone as well?
14:09	5	A. Yes.
14:09	6	Q. Okay. Who did you talk to?
14:09	7	A. Julie Wong and Drew Harwell.
14:09	8	Q. And Julie Wong is a reporter with The
14:09	9	Guardian; right?
14:09	10	A. Yes, she was at the time.
14:09	11	Q. And at the time Drew Harwell was a reporter
14:09	12	with The Washington Post; correct?
14:09	13	A. I believe that's true.
14:09	14	Q. And why did you think it was important to
14:09	15	tell them that this was a fabrication?
14:09	16	A. Because they're the ones that told me about
14:09	17	the threat.
14:09	18	Q. Okay. So they contacted you.
14:09	19	A. Yes.
14:09	20	Q. By e-mail or by phone?
14:09	21	A. (No response.)
14:09	22	Q. How did they contact you?
14:09	23	A. I cannot remember exactly if it was both.
14:09	24	Q. And then you forwarded to them the e-mail
14:10	25	exchange between you and Mr. Musk; right?

14:49 1 A. During a one-on-one with myself, Imari
14:49 2 Henderson, and Michael Bowling just prior to this,
14:49 3 I was told that I was no longer a lead and there
14:49 4 was no such thing as a lead, yet I had to interact
14:49 5 with my counterparts in the other departments that
14:49 6 were considered leads, and I still had to perform
14:49 7 the same duties. But at that point I was looked
14:49 8 down upon, and I felt I was being discriminated
14:49 9 against because I was being treated differently than
14:50 10 my peers, but I still had the same expectations of
14:50 11 me to do the same duties as I was doing. And even
14:50 12 they were looking down upon me, kind of making jokes
14:50 13 about it.

14:50 14 Q. You had the same pay; right?

14:50 15 A. I don't know if it was the same pay or not.

14:50 16 Q. Well, your pay didn't change; right?

14:50 17 A. That is correct.

14:50 18 Q. And you say you were being discriminated
14:50 19 against by whom?

14:50 20 A. By Michael Bowling, Imari Henderson, the
14:50 21 process engineering technician supervisors for the
14:50 22 Stator line, many of the process engineering
14:50 23 technicians, my counterparts in the final assembly,
14:50 24 rotor, and inverter areas.

14:50 25 I don't know if I said Michael Bowling.

14:57 1 A. I was assigned to train the two latest
14:57 2 nightshift technicians, so I was training them, and
14:57 3 they started working with their respective shifts,
14:57 4 and they came to me asking why -- I believe they
14:57 5 were both on nights, and they were asking me why
14:57 6 nights was not performing their work. Why they
14:57 7 were just going away and doing whatever for X
14:57 8 amount of time, and why they're getting pressured
14:57 9 by days, and I told them it was because there was a
14:58 10 lack of work ethic on nights.

14:58 11 Q. On the nightshift.

14:58 12 A. Yes, and they, of course, told the other
14:58 13 techs, and that came back to Mike Bowling.

14:58 14 Q. Did you think it was fair for Mr. Bowling
14:58 15 to give you this verbal warning?

14:58 16 A. I believe it was unfair.

14:58 17 Q. And why was that?

14:58 18 A. Because I had brought all these issues up
14:58 19 to him through the last several months, and they
14:58 20 were not addressed, and it just compounded and made
14:58 21 me look like a bad guy. I -- I was...

14:58 22 There's -- there was a lot of animosity
14:58 23 towards me because of it, because of everything
14:58 24 that occurred and how it was handled directly by
14:58 25 Michael Bowling.

15:05 1 what's Exhibit -- is marked as Exhibit 71.

15:05 2 So Exhibit 71, the top e-mail is an

15:05 3 e-mail that you sent from your work e-mail to your

15:05 4 private or personal e-mail on June 8th, 2018; right?

15:06 5 A. Yes.

15:06 6 Q. Okay. So you were just forwarding an

15:06 7 internal Tesla e-mail between you and Chris Lister.

15:06 8 A. And Elon and JB Straubel.

15:06 9 Q. Right. Well, you sent it to Chris Lister,

15:06 10 and copied Elon Musk and JB Straubel; right?

15:06 11 A. You're correct, yes.

15:06 12 Q. Okay.

15:06 13 So it says: "Chris, thanks for spending

15:06 14 time with me today."

15:06 15 So you actually met with Mr. Lister on

15:06 16 June 8th?

15:06 17 A. Yes, I did, for several hours.

15:06 18 Q. Several hours.

15:06 19 Okay. And Chris Lister was the head of

15:06 20 the Gigafactory.

15:06 21 A. Yes. I don't know his exact title, but

15:06 22 plant manager would be the --

15:06 23 Q. He was, over- -- overall, in charge of the

15:06 24 Gigafactory.

15:06 25 A. He was what JB was previously.

15:06	1	Q. Okay. So that's pretty high up.
15:07	2	A. Yes.
15:07	3	Q. And you talked with him for several hours.
15:07	4	A. Yes, I did.
15:07	5	Q. And you told him about your concerns about
15:07	6	the scrap numbers.
15:07	7	A. I told him about all my concerns, including
15:07	8	the safety issues.
15:07	9	Q. Huh. You didn't mention Mr. Lister before.
15:07	10	So in your e-mail to him, can you point
15:07	11	to me where there is anything about the safety
15:07	12	issues?
15:07	13	A. I was directed by him during that
15:07	14	conversation to let him handle that.
15:07	15	Q. Hmm. Okay.
15:07	16	So well why did you send this e-mail to
15:07	17	him then?
15:07	18	A. I believe this was -- okay. This was the
15:07	19	same day, so...
15:07	20	This was additionally concerns that the
15:07	21	process engineering technicians on that particular
15:08	22	shift, when I sent this e-mail, because they found
15:08	23	out that I had met with him, and they wanted to
15:08	24	voice their concern for the amount of scrap that we
15:08	25	had and were expecting on the line, and he had asked

15:12 1 supposedly making statements to investors; right?

15:12 2 A. Yes.

15:12 3 Q. But the fact that he's telling the people in

15:12 4 charge of the Gigafactory to meet a certain goal,

15:12 5 you just thought that was, what, nothing?

15:12 6 MR. FISCHBACH: Object to the form of the

15:12 7 question; misstates the exhibit.

15:12 8 THE WITNESS: We had previously seen

15:12 9 e-mails -- e-mails similar to this, and nothing was

15:12 10 ever done, so it was everyone's impression -- when

15:13 11 they saw this e-mail, they laughed.

15:13 12 Q. BY MR. GATES: Okay.

15:13 13 So I guess, what, Gigafactory is going

15:13 14 to collapse tomorrow without Martin Tripp; right?

15:13 15 MR. FISCHBACH: Objection; argumentative.

15:13 16 THE WITNESS: I don't know.

15:13 17 Q. BY MR. GATES: You don't know, right.

15:13 18 You know James Ohlemann (phonetic);

15:13 19 right?

15:13 20 A. Yes, I do.

15:13 21 Q. He was one of your coworkers at the

15:13 22 Gigafactory.

15:13 23 A. Yes.

15:13 24 Q. You talked to him; right?

15:13 25 A. When?

15:13	1	Q.	When you were at the Gigafactory.
15:13	2	A.	On rare occasion.
15:13	3	Q.	Did you talk to him after you were
15:13	4		terminated?
15:13	5	A.	Yes.
15:13	6	Q.	About what?
15:13	7	A.	He conveniently showed up at the Nugget
15:13	8		Casino & Hotel on four different occasions, and was
15:13	9		voicing his concern about money, and the quality
15:14	10		issues that he had seen and why he was wrongfully
15:14	11		term- -- in his eyes wrongfully terminated by Tesla.
15:14	12	Q.	Uh-huh.
15:14	13		Did you ask him to talk to Linette
15:14	14		Lopez?
15:14	15	A.	I asked him to -- if he would be interested
15:14	16		in speaking to a reporter.
15:14	17	Q.	Okay. Did you put him in contact with
15:14	18		Linette Lopez?
15:14	19	A.	I did, but I don't remember how that came
15:14	20		about.
15:14	21	Q.	Did you engage in text exchanges with
15:14	22		Mr. Ohleemann?
15:14	23	A.	Yes.
15:14	24		(Deposition Exhibit Number 73 was marked
15:14	25		for identification.)

15:14	1	Q. BY MR. GATES: So I'll give you what's
15:14	2	marked as Exhibit 73, which is a photograph of a
15:14	3	Samsung phone showing a number of text messages.
15:14	4	Do you recognize these text messages?
15:14	5	A. I do.
15:14	6	Q. Okay. And these are text messages between
15:15	7	you and Mr. Ohlemann; right?
15:15	8	A. I can't determine that from this, but
15:15	9	assuming it is the conversation I had, yes.
15:15	10	Q. I'm sorry. You said you recognized them.
15:15	11	A. Yes.
15:15	12	Q. Okay. How do you recognize them?
15:15	13	A. It's familiar, that conversation.
15:15	14	Q. The conversation represented by the text
15:15	15	messages is familiar to you.
15:15	16	A. Correct.
15:15	17	Q. And that is a conversation that you had
15:15	18	with James Ohlemann.
15:15	19	A. I believed it to be James Ohlemann.
15:15	20	Q. Okay. You believe that you were texting
15:15	21	Mr. Ohlemann and had this text conversation; right?
15:15	22	A. Yes.
15:15	23	Q. And is this your phone that the photograph
15:15	24	is coming from?
15:15	25	A. No.

15:15 1 Q. Do you know where this photograph came
15:15 2 from?
15:15 3 A. I do not.
15:15 4 Q. So did you tell Mr. Ohlemann:
15:15 5 "Oh, if you are helpful, you will get
15:15 6 some money, I guarantee you."
15:16 7 A. Yes.
15:16 8 Q. Why did you tell him that?
15:16 9 A. On those occasions he expressed a dire need
15:16 10 for money, and he had some valuable information
15:16 11 regarding what was going on with the cooling tubes
15:16 12 and why he was wrongfully terminated. And I had
15:16 13 been speaking with an attorney regarding the SEC
15:16 14 tip being filed, and there was a possibility that
15:16 15 there could be a large sum of money for an award,
15:16 16 and that's what that was discussing. There was no
15:16 17 promise of money made to him at all.
15:16 18 (Deposition Exhibit Number 74 was marked
15:16 19 for identification.)
15:16 20 Q. BY MR. GATES: Let me give you what is
15:16 21 going to be marked as Exhibit 74.
15:16 22 So Exhibit 74 is another photograph of
15:16 23 a text conversation, and it appears to be the same
15:17 24 conversation that we see in Exhibit 73. Wouldn't
15:17 25 you agree with that?

1 I CERTIFY that the foregoing deposition
2 was taken by me pursuant to Notice; that I was then
3 and there a Certified Reporter for the State of
4 Arizona, and by virtue thereof authorized to
5 administer an oath; that the witness before
6 testifying was duly sworn by me to testify to the
7 truth; that the questions propounded by counsel and
8 the answers of the witness thereto were taken down
9 by me in shorthand and thereafter transcribed under
10 my direction, and that the foregoing typewritten
11 pages contain a full, true, and accurate transcript
12 of all proceedings had upon the taking of said
13 deposition, all done to the best of my skill and
14 ability; that deposition review and signature was
15 requested.

16 I FURTHER CERTIFY that I am in no way
17 related to nor employed by any of the parties
18 hereto, nor am I in any way interested in the
19 outcome hereof.

20 DATED at Phoenix, Arizona, this 16th
21 day of September, 2019.

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25 David M. Lee, RMR, CRR
 Arizona Certificate No. 50391